

Case Opening and General Processing—Adversary Proceedings

Docketing Event

Adversary > Open an Adversary Proceeding

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 523](#)

[11 U.S.C. § 727](#)

[28 U.S.C. § 1930](#)

[Fed. R. Bankr. P. 7001](#)

[Fed. R. Bankr. P. 7003](#)

[Fed. R. Bankr. P. 7004\(e\)](#)

[Fed. R. Bankr. P. 7007.1](#)

[Fed. R. Bankr. P. 7008](#)

[Local Rule 2090-1](#)

[Local Rule 7001-1](#)

Fee: \$350

Applicable Chapters: 7, 11, 12, and 13

Implemented: 2/9/16

Last Revision: 1/23/2018 9:52:08 AM

Description

An adversary proceeding (AP) is a dispute arising out of a bankruptcy case that is filed separately. Most adversary proceedings are commenced by one or more plaintiffs filing a complaint against one or more defendants. Adversary proceedings resemble a typical civil lawsuit. Some adversary proceedings are termed “removal actions” because a civil lawsuit is removed from another court to the bankruptcy court and it relates to a pending bankruptcy case. Removal actions procedures are addressed in a separate procedure.

Litigation in the bankruptcy court usually falls within two categories: contested matters and adversary proceedings. Both are governed by structured procedures. Some proceedings are specifically delineated as adversary proceedings and must be instituted by the filing of a complaint in the same court as the related bankruptcy case.

Effective July 1, 2015, Local Rule 7001-1 prescribes procedures for adversary proceedings. If ordered by the Court, Local Rule 7001-1 applies to contested matters.

Filing Checklist

1. Review the complaint to determine that:

- It is signed and dated;
 - ❖ **Note:** Prepared summonses are not required when filing a complaint electronically or in paper. Cover sheets are not required when the complaint is filed electronically but are requested when filed in paper.
- Caption is in correct adversary style;

- Related/associated bankruptcy case number is accurate in caption;
- Statement of Corporate Ownership is filed if the plaintiff is a corporation; and
 - ❖ **Note:** Corporations must have an attorney to file an adversary proceeding.
- The related/associated bankruptcy case is open and not dismissed.

2. Pay the filing fee. Exceptions to the filing fee include:

- Filed by a debtor in any chapter case;
- Filed by a United States Government agency;
- Filed by a child support creditor or their representative. The official form must be attached or an exhibit at the time of filing to be exempt from the fee. Click [**here**](#) for form.
- If filed by a Chapter 7, 12, or 13 trustee, the filing fee may be deferred until the closing of the bankruptcy case.